

UTAH MOBILE CRISIS OUTREACH TEAM ACT

2018 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill enacts the Utah Mobile Crisis Outreach Team Act.

Highlighted Provisions:

This bill:

- defines terms;
- requires the Mental Health Crisis Line Commission to serve as the mobile crisis outreach team (MCOT) advisory committee;
- requires the Division of Substance Abuse and Mental Health (division) to set standards for an MCOT license;
- requires the Department of Health (department) to administer the MCOT license;
- allows the department to establish and charge a fee for the MCOT license;
- requires that an individual hold an MCOT license to provide certain mental health crisis services;
- provides penalties for certain illegal activity related to the provision of mental health crisis services; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63C-18-203, as enacted by Laws of Utah 2017, Chapter 23

ENACTS:

26-8d-101, Utah Code Annotated 1953

26-8d-102, Utah Code Annotated 1953

26-8d-201, Utah Code Annotated 1953

33 **26-8d-202**, Utah Code Annotated 1953
34 **26-8d-301**, Utah Code Annotated 1953
35 **26-8d-302**, Utah Code Annotated 1953
36 **26-8d-303**, Utah Code Annotated 1953
37 **26-8d-304**, Utah Code Annotated 1953
38 **26-8d-305**, Utah Code Annotated 1953
39 **26-8d-401**, Utah Code Annotated 1953

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41 *Be it enacted by the Legislature of the state of Utah:*

42 Section 1. Section **26-8d-101** is enacted to read:

43 **CHAPTER 8D. UTAH MOBILE CRISIS OUTREACH TEAM ACT**

44 **Part 1. General Provisions**

45 **26-8d-101. Title.**

46 This chapter is known as the "Utah Mobile Crisis Outreach Team Act."

47 Section 2. Section **26-8d-102** is enacted to read:

48 **26-8d-102. Definitions.**

49 As used in this part:

50 (1) "Commission" means the Mental Health Crisis Line Commission created in Section
51 63C-18-202.

52 (2) "Division" means the Division of Substance Abuse and Mental Health, established
53 in Section 62A-15-103 within the Department of Human Services.

54 (3) "Emergency medical service personnel" means the same as that term is defined in
55 Section 26-8a-102.

56 (4) "Emergency medical services" means the same as that term is defined in Section
57 26-8a-102.

58 (5) "Equivalent license" means a license or certification other than an MCOT license
59 that allows the licensee to provide mental health crisis services.

60 (6) "MCOT license" means the license created in this part for MCOT personnel and
61 mental health crisis outreach services.

62 (7) "MCOT personnel" means a licensed mental health therapist or other mental health
63 professional, as determined by the division, who is a part of a mobile crisis outreach team.

(8) "Mental health crisis" means:

(a) a mental health condition that manifests itself by symptoms of sufficient severity that a prudent layperson who possesses an average knowledge of mental health issues could reasonably expect the absence of immediate attention or intervention to result in:

(i) serious jeopardy to the individual's health or well-being; or

(ii) a danger to others; or

(b) a mental health condition that, in the opinion of a mental health therapist or the therapist's designee, requires direct professional observation or the intervention of a mental health therapist during transport.

(9) (a) "Mental health crisis services" means direct mental health services and on-site intervention that a mobile crisis outreach team renders to an individual suffering from a mental health crisis.

(b) "Mental health crisis services" includes the provision of safety and care plans, prolonged mental health services for up to 90 days, and referrals to other community resources.

(10) "Mental health therapist" means the same as that term is defined in Section 58-60-102.

(11) "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and mental health professionals that, in coordination with local law enforcement and emergency medical service personnel, provides mental health crisis services.

Section 3. Section **26-8d-201** is enacted to read:

Part 2. Duties and Fees

26-8d-201. Department and division duties -- MCOT license creation.

(1) To promote the availability of comprehensive mental health crisis services throughout the state, the department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that create a license for MCOT personnel, including:

(a) the standards the division establishes under Subsection (3); and

(b) guidelines for:

(i) credit for out-of-state training and experience; and

(ii) the coordination of:

(A) emergency medical services and mental health crisis services; and

(B) law enforcement, emergency medical service personnel, and mobile crisis outreach

95 teams; and

96 (2) (a) With recommendations from the commission, the division shall:

97 (i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
98 make rules that establish standards that an applicant is required to meet to qualify for the
99 MCOT license described in Subsection (1); and

100 (ii) create a statewide MCOT plan that:

101 (A) identifies statewide mental health crisis services needs, objectives, and priorities;
102 and

103 (B) identifies the equipment, facilities, personnel training, and other resources
104 necessary to provide mental health crisis services.

105 (b) The division may delegate the MCOT plan requirement described in Subsection
106 (2)(a)(ii) to a contractor which the division contracts to provide mental health crisis services.

107 Section 4. Section **26-8d-202** is enacted to read:

108 **26-8d-202. Fees.**

109 (1) The department may establish and charge a fee in relation to an MCOT license, in
110 accordance with Section 63J-1-504, including:

111 (a) for the use of department-owned training equipment;

112 (b) to administer tests and conduct quality assurance reviews; and

113 (c) to process an application for an MCOT license under this part.

114 (2) (a) Fees that the department collects under Subsections (1)(a) and (b) are separate
115 dedicated credits.

116 (b) The department may use fees that the department collects under Subsection (1)(a)
117 to purchase training equipment in relation to a license under this part.

118 (c) The department may use fees that the department collects under Subsection (1)(b)
119 to administer tests and conduct quality assurance reviews in relation to a license under this part.

120 Section 5. Section **26-8d-301** is enacted to read:

121 **Part 3. MCOT License**

122 **26-8d-301. License required.**

123 (1) Except as provided in Section 26-8d-303, an individual may not provide mental
124 health crisis services or identify as MCOT personnel without an MCOT license.

125 (2) Section 26-8d-401 regarding illegal activity applies to violations of this section.

Section 6. Section **26-8d-302** is enacted to read:

26-8d-302. Licensure of MCOT personnel.

(1) The department shall, based on the standards established under Subsection 26-8d-201(2)(a)(i):

(a) develop, conduct, and authorize training and testing for MCOT licenses;

(b) issue an MCOT license or license renewal to a qualified applicant; and

(c) deny or revoke an MCOT license or license renewal of an applicant who does not meet the requirements and standards described in Section 26-8d-201.

(2) As provided in Section 26-8d-401, an individual to whom the department issues an MCOT license may only provide mental health crisis services under the MCOT license to the extent the license allows.

Section 7. Section **26-8d-303** is enacted to read:

26-8d-303. Exemptions to license requirement.

(1) Notwithstanding Section 26-8d-302, the following individuals may provide mental health crisis services to an individual suffering from a mental health crisis without an MCOT license:

(a) out-of-state mental health personnel and providers in time of disaster;

(b) an individual who gratuitously acts as a Good Samaritan;

(c) a family member;

(d) an agency of the United States government if compliance with this part would be inconsistent with federal law; and

(e) behavioral health professionals, mental health therapists, police, fire, medical, emergency medical personnel, and other public service personnel if the individual renders mental health crisis services in the normal course of the individual's official duties or under an equivalent license.

(2) Nothing in this part requires an MCOT license for an acute care hospital, medical clinic, physician's office, mental health therapist's office, or other fixed medical or mental health facility that:

(a) a physician, physician's assistant, nurse practitioner, registered nurse, or mental health therapist staffs; and

(b) treats an individual who has presented or was transported to the hospital, clinic,

157 office, or facility.

158 Section 8. Section **26-8d-304** is enacted to read:

159 **26-8d-304. License renewal.**

160 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
161 Administrative Rulemaking Act, to provide a renewal process for individuals whom the
162 department licenses under this part.

163 (2) In order to receive an MCOT license renewal, an individual who holds an MCOT
164 license and who applies for an MCOT license renewal shall meet the renewal requirements that
165 the department establishes under Subsection (1).

166 (3) The department shall issue a renewal license upon the licensee's application for a
167 renewal and without a public hearing if there has been:

168 (a) no serious and substantiated public complaint filed with the department against the
169 licensee during the term of the previous license;

170 (b) no material or substantial change in the basis upon which the department originally
171 granted the license; and

172 (c) no reasoned objection from the commission, division, or department.

173 Section 9. Section **26-8d-305** is enacted to read:

174 **26-8d-305. Discrimination prohibited.**

175 An individual who holds an MCOT license may not discriminate in the provision of
176 mental health crisis services on the basis of race, sex, color, religion, creed, or prior inquiry as
177 to ability to pay.

178 Section 10. Section **26-8d-401** is enacted to read:

179 **Part 4. Enforcement**

180 **26-8d-401. Illegal activity.**

181 (1) An individual may not:

182 (a) except as provided in Section 26-8d-303:

183 (i) practice or engage in the practice, represent that the person is practicing or engaging
184 in the practice, or attempt to practice or engage in the practice of any activity that requires an
185 MCOT license without holding an MCOT license or an equivalent license; or

186 (ii) offer mental health crisis services without holding an MCOT license or an
187 equivalent license;

(b) advertise or represent that the person holds an MCOT license unless the individual holds the license;

(c) employ or permit any employee to perform any service for which an MCOT license is required, unless the individual performing the service holds the license or an equivalent license;

(d) wear, display, sell, reproduce, or otherwise use any MCOT personnel insignia without authorization from the division;

(d) reproduce or otherwise use materials that the division develops for licensure, testing, or examination without authorization from the division; or

(e) willfully summon an MCOT or report that an MCOT is needed when the individual knows that the MCOT is not needed.

(2) (a) A person who violates this section is subject to:

(i) in a judicial civil proceeding, a penalty not to exceed \$10,000 per violation; or

(ii) in an administrative action in accordance with Title 63G, Chapter 4, Administrative Procedures Act, or similar procedures that the division adopts, a penalty not to exceed \$10,000 per violation.

(b) Assessment of any civil penalty or administrative penalty does not preclude the department from:

(i) seeking criminal penalties;

(ii) denying, revoking, imposing conditions on, or refusing to renew an MCOT license;

or

(iii) seeking other injunctive or equitable remedies.

(c) In addition to any penalties imposed under Subsections (2)(a) and (b), the individual who violates this section is liable for any expense that the department incurs as a result of the individual's violation.

(d) Each day of violation of this section is a separate violation.

Section 11. Section **63C-18-203** is amended to read:

63C-18-203. Commission duties -- Reporting requirements.

(1) ~~[(a)]~~ The commission shall:

~~[(a)]~~ (a) identify a method to integrate existing local mental health crisis lines to ensure each individual who accesses a local mental health crisis line is connected to a qualified mental

219 or behavioral health professional, regardless of the time, date, or number of individuals trying
220 to simultaneously access the local mental health crisis line;

221 ~~[(ii)]~~ (b) study how to establish and implement a statewide mental health crisis line,
222 including identifying:

223 ~~[(A)]~~ (i) a statewide phone number or other means for an individual to easily access the
224 statewide mental health crisis line;

225 ~~[(B)]~~ (ii) a supply of qualified mental or behavioral health professionals to staff the
226 statewide mental health crisis line; and

227 ~~[(C)]~~ (iii) a funding mechanism to operate and maintain the statewide mental health
228 crisis line; and

229 ~~[(iii)]~~ (c) coordinate with local mental health authorities in fulfilling the commission's
230 duties described in Subsections (1)(a)~~[(i) and (ii):]~~ and (b); and

231 (d) recommend standards for mobile crisis outreach team licensing as described in
232 Section 26-8d-201.

233 ~~[(b)]~~ (2) The commission may conduct other business related to the commission's
234 duties described in Subsection (1)~~[(a)]~~.

235 ~~[(2) Before November 30, 2017, the commission shall report to the Political~~
236 ~~Subdivisions Interim Committee regarding:]~~

237 ~~[(a) the extent to which the commission fulfilled the commission's duties described in~~
238 ~~Subsection (1); and]~~

239 ~~[(b) recommendations for future legislation related to integrating local mental health~~
240 ~~crisis lines or establishing a statewide mental health crisis line.]~~